Response to argument

on Reply Appeal Brief

1. The Reply Brief filed 11 January 2010 has been acknowledged. Examiner notes Appellants' argument has been fully considered and has been entered. The response to the argument is presented as follows.

2. As per claim 1 – 12, Appellant asserts the following arguments in filed Reply Brief:

   - (a) the Examiner's Answer states that these disclosures of encrypting all or a portion of an MPEG-2 transport stream do not mean what they say *(Brief: Page 3 / 1st Para)*.
   - (b) Appellants wish to draw attention to page 13, lines 6 – 16 of the specification, which is used in conjunction with Figure 3, which reveals a digital bit stream (e.g., transport stream) comprising ECM encrypted according to 3DES (e.g., Element 321) and audio/video/data content coded according to DES (e.g., Element 327) *(Brief: Page 3 / 2nd Para)*.
   - (c) the priority documents make a clear statement that any part of the MPEG-2 may be encrypted. The priority documents discuss individual bit streams in detail and nowhere does the specification limit the encryption to entire bit streams as suggested by the Examiner *(Brief: Page 4 / 2nd Para)*.

3. Examiner notes as per argument (b) in light of argument (a) and (c), the rationale of the rejection is clearly set forth as follows *again per Examiner Answer* submitted before.

   - The MPEG-2 transport stream includes a number of component streams such as payload audio/video/data bit stream, ECM bit stream and EMM bit stream (Provision-60/054,575, Page 13 / Line 9 –14 and Figure 3 / Element 325, 319 and 309).

- The concept of "*partially-encrypted stream*" lately and widely proposed in the field is indeed aimed to partially encrypt a portion of audio/video/data bit stream such that the consumption of payload bandwidth can thus be *significantly* saved and minimized because the encrypted medium information takes more bandwidth than the unencrypted medium information and *on the other hand*, the partially encrypted audio/video/data bit stream is sufficient to prevent the user from viewing the medium as needed. However, Appellants intend to claim the priority of the effective filing date at least going back to July 8, 1998 or even back to the provisional application date of August 1, 1997". Examiner respectfully disagree – This is because:

  ✓ the ECM bit stream itself in fact is a content-key bit stream as required for the subscribers to decrypt the received payload information (i.e. audio/video/data bit stream) and is encrypted with 3DES technique (i.e. a content key (control word CW) carried by ECM is encrypted by 3DES as *a key-encryption-key* protection technique) and audio/video/data content bit stream is *merely* encrypted according to DES technique. *Therefore, the disclosures at the time of invention of claimed priority date 1998 or 1997 are not indeed the "partially-encrypted stream" lately and widely proposed in the field (as presented above – 2nd bullet)*; and besides,

  ✓ Examiner further notes "the selected digital bit stream" as recited in the claim 1, 7 and 15 is indeed *the selected one of the* ***component streams*** either audio/video/data (payload bit stream), ECM (content-key bit stream) or EMM (management bit stream) (Provision-60/054,575, Page 13 / Line 9 –14 and Figure 3 / Element 325, 319 and 309) or a **part of the MPEG-2 transport stream** (Provision-60/054,575, Page 28 / Line 25 –28) and there is no support of partial encryption in each individual selected bit stream as recited in the claim.

✓ Accordingly, the disclosure has a lack of support as to claim limitation of "encrypting ***a first portion of the selected digital bit stream*** according to a first encryption method to provide a first encrypted stream; encrypting ***a second portion of the selected digital bit stream*** according to a second encryption method to provide a second encrypted stream wherein the second encryption method is different from the first encryption method", and further "... ***to provide a partially-encrypted stream***" as per claim 1, 7 and 15 of the instant application ***because*** *different encryption methods are only applied to different component streams* such as (a) audio/video/data (payload bit stream), ECM (content-key bit stream) or EMM (management bit stream) (Provision-60/054,575, Page 13 / Line 9 –14 and Figure 3 / Element 325, 319 and 309) or (b) a part (*or component*) of the MPEG-2 transport stream (Provision-60/054,575, Page 28 / Line 25 –28) and as such Applicant's arguments are respectfully traversed.

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